

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JACK COCCHIARELLA,)	CIVIL CASE NO.:
)	
-and-)	JUDGE:
)	
POLITICALLY CORRECT STRATEGIES)	
LLC,)	
)	
Plaintiffs,)	
)	
v.)	
)	
NATE KIM,)	
)	
Defendant.)	

COMPLAINT
JURY TRIAL DEMANDED

Plaintiffs Jack Cocchiarella (“*Jack*”) and Politically Correct Strategies LLC (“*PCS*”) (collectively “*Plaintiffs*”), through undersigned counsel, file this Complaint against Defendant Nate Kim (“*Kim*” or “*Defendant*”) and allege as follows:

INTRODUCTION

1. This case arises out of the relentless and malicious actions taken by Kim, a student at Dartmouth College (“*Dartmouth*”) in Hanover, New Hampshire, to defame and harass Jack, a former student at Dartmouth and political consultant, following Jack’s pointed questioning of Congressman Madison Cawthorn (“*Cawthorn*”) at a controversial campus event hosted by the Dartmouth College Republicans on or about Sunday, October 24, 2021 (the “*Event*”).

2. Since the Event and leading up to this day, Jack has been the target of a calculated smear campaign by Kim through the propagation of false and fabricated information and

statements (the “*False Statements and Lies*”) over various social media channels and other public places, including, but not limited to the social media platform Twitter, to silence Jack and permanently damage his private and public reputation, his chosen academic and career aspirations, his business relationships, the respect of his academic peers and others in the community, and business engagements between Jack and/or PCS and third-parties, presumably in retaliation for confronting Cawthorn at the Event.

3. Significantly, the conduct of Kim has directly provoked others to make death threats and other threats of violence against Jack, the most recent being on September 15, 2022. To this day, Jack lives in fear for his life and safety as a result of the False Statements and Lies being spread by Kim.

4. For instance, as more fully outlined below, Kim individually and in concert with others has continued to propagate and publish the False Statements and Lies that Jack is a “rapist,” “raped his classmates,” “raped 6 women,” “raped 8 women,” “raped unconscious girls,” and is “getting away with rape.”

5. Jack has *never* sexually assaulted or raped *anyone*.

6. Jack has *never* been criminally investigated, indicted, or charged for any sexual misconduct or sexual assault crime, including rape. Further, he has *never* been the subject of a civil suit or Title IX investigation.

7. Despite this, Kim has maliciously disseminated the False Statements and Lies that such “cases” existed against Jack, Jack is “guilty,” and that Dartmouth is engaging in a cover-up of the “cases” for political reasons.

8. As a direct and proximate result of Kim’s conduct, Jack has, personally, suffered extreme emotional distress and reputational damages.

9. As a direct result of the malicious conduct of Kim, Jack was ostracized at Dartmouth and transferred to Columbia University (“*Columbia*”) in New York, New York in 2022 to continue his education in the hopes of ending the ongoing harassment and abuse by Kim.

10. Despite Jack’s attempt to rid himself of the harassing, abusive, and malicious actions of Kim at Dartmouth, Kim continued his smear campaign against Jack at Columbia, including, but not limited to, tagging Columbia’s Twitter account in his defamatory tweets against Jack and contacting Columbia directly to continue propagating the False Statements and Lies that Jack is a “rapist” and “guilty.”

11. The actions by Kim in fabricating and continuously disseminating the False Statements and Lies has destroyed Jack’s relationships with and respect of his academic peers and those in the community as a whole, his ability to pursue an education and career of his own choosing, his public and private reputation, and opportunities and experiences that any normal college student would enjoy but for the harassment by Kim.

12. Jack and his company PCS have also suffered, and will continue to suffer, economic injuries, the loss of career and business opportunities, and loss of future potential earnings due to Kim’s conduct in propagating the False Statements and Lies.

13. For instance, as a direct and proximate result of Kim’s ongoing malicious harassment and conduct in propagating the False Statements and Lies, Jack and PCS lost several digital consulting accounts with several major political election campaigns and will continue to lose lucrative business opportunities in the future.

14. Jack has also lost the ability to pursue politics as the profession of his choosing. As a result of Kim’s continued slandering and defamation of Jack’s reputation with the publication of the False Statements and Lies, Jack has been ostracized from the political community and has been

removed from consideration for various high-profile and once-in-a-lifetime opportunities, which will continue until Kim's conduct is stopped.

15. The insurmountable damage caused to Jack by the conduct of Kim must be corrected by Kim's full retraction and repudiation of the False Statements and Lies, and an affirmative statement by Kim that he is fully aware the False Statements and Lies are untrue, fabricated, and were falsely made by Kim to cause harm to and damage the reputation of Jack. Only with this affirmative remedy will Jack be able to finally clear his name, feel safe, and begin putting the pieces of his life back together that have been shattered by Kim's conduct.

16. Jack and PCS therefore bring this action against Kim based upon the state law claims of (a) defamation, (b) intentional infliction of emotional distress, (c) false light invasion of privacy, and (d) tortious interference with economic relationships and seek relief from this Court in the form of compensatory damages, punitive and exemplary damages, recovery of attorney's fees and expenses in prosecuting this action, immediate injunctive relief, and any other relief as this Court deems proper to immediately bar the further dissemination of the malicious False Statements and Lies by Kim and compel Kim to immediately retract and delete the False Statements and Lies.

PARTIES

17. Jack is a natural person, citizen of the United States, a resident of the State of Florida, and a current undergraduate student at Columbia.

18. PCS is a Florida Limited Liability Company with its principal place of business in the State of Florida and its sole member being Jack, a resident of the State of Florida.

19. Upon information and belief, Kim is a natural person, citizen of the United States, a resident of the State of California, and a current undergraduate student at Dartmouth.

JURISDICTION AND VENUE

20. This Court has subject matter jurisdiction of this action under 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000 and complete diversity exists between the parties.

21. This Court has personal jurisdiction over Kim under New Hampshire's long-arm statute, NH ST § 510:4, because: (a) Kim's tortious activity resulting in injuries to Jack occurred in and is ongoing in the State of New Hampshire; (b) Kim's actions were committed with the purpose of injuring Jack in the State of New Hampshire; (c) Jack was injured in the State of New Hampshire by the actions of Kim; (d) and/or Kim might reasonably have expected that Jack would be injured in the State of New Hampshire by the actions of Kim.

22. Venue is proper in the District of New Hampshire pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims brought herein commenced, occurred, and continue to occur within this District at Dartmouth in Hanover, New Hampshire.

FACUTAL BACKGROUND

“The Future of the Republican Party” Event

23. On or about the evening of Sunday, October 24, 2021, the Dartmouth College Republicans hosted an event entitled, “The Future of the Republican Party” at Filene Auditorium in Moore Hall on the campus of Dartmouth. The high-profile panel of speakers at the Event, which garnered attendance by roughly 150 students and community members, included 26-year-old Rep. Madison Cawthorn (R-N.C.), the youngest member of the 117th Congress; Karoline Leavitt, a Republican candidate for New Hampshire's first congressional district who previously served as former President Donald Trump's Assistant Press Secretary and then Rep. Elise Stefanik's (R-NY)

Director of Communications; and Republican campaign strategist Alex Bruesewitz, founder of political consulting firm X Strategies with a significant digital presence on the social media platform Twitter. *See* Strier, J, *College Republicans panel featuring Rep. Madison Cawthorn draws student protests*, THE DARTMOUTH (Oct. 26, 2021), available at: <https://www.thedartmouth.com/article/2021/10/college-republicans-panel-featuring-rep-madison-cawthorn-draws-student-protests>; Berghuis, K., *Campus Clashes Over Cawthorn: College Republicans in the Hot Seat*, THE DARTMOUTH REVIEW (Aug. 24, 2021), available at: <https://dartreview.com/campus-clashes-college-republicans-in-the-hot-seat/>.

24. The hosting of the Event on Dartmouth’s campus was controversial and hotly contested by students and campus groups alike.

25. For instance, as reported by the student publication The Dartmouth Review, “the prelude to Sunday’s event evoked significant campus-wide opposition – event advertisement posters were vandalized, multiple campus groups issued swift condemnations, College Republicans members reported instances of harassment, and [the event] even elicited a protest.” Berghuis, K., *Campus Clashes Over Cawthorn: College Republicans in the Hot Seat*, THE DARTMOUTH REVIEW (Aug. 24, 2021), available at: <https://dartreview.com/campus-clashes-college-republicans-in-the-hot-seat/>.

26. According to The Dartmouth Review, “[o]ne week prior to the event, the Dartmouth Democrats issued a statement that proclaimed: ‘Any benefit these speakers’ words could bring to the diversity of thought and pool of intellectual ideas at Dartmouth would be more than exceeded by the damage of their fear mongering and lies.’” *Id.*

27. According to The Dartmouth Review, “*The Dartmouth* Editorial Board also released a condemnation of the event, urging the College Republicans to ‘pick speakers who make

a habit of telling the truth,’ particularly in reference to the panelists’ position on the 2020 Election and COVID-19.” *Id.*

28. As reported by the student publication *The Dartmouth*, the “[t]he Sunday evening event covered a wide range of topics, including the U.S. withdrawal from Afghanistan, school prayer[,] and the future of the Republican Party. Students walked out in protest throughout the panel, and additional protestors gathered outside in a rally organized by the Dartmouth chapter of the Young Democratic Socialists of America.” Strier, J, *College Republicans panel featuring Rep. Madison Cawthorn draws student protests*, *THE DARTMOUTH* (Oct. 26, 2021), available at: <https://www.thedartmouth.com/article/2021/10/college-republicans-panel-featuring-rep-madison-cawthorn-draws-student-protests>.

29. Cawthorn, one of the high-profile speakers at the event, is well-known nationally for his views on the validity of the 2020 U.S. Presidential Election and the events leading up the disturbance at the U.S. Capitol on January 6, 2021. Kranish, M., *The making of Madison Cawthorn: How falsehoods helped propel the career of a new pro-Trump star of the far right*, *The Washington Post* (Feb. 27, 2021), available at: <https://www.washingtonpost.com/politics/2021/02/27/making-madison-cawthorn-how-falsehoods-helped-propel-career-new-pro-trump-star-far-right/>.

30. Jack was a freshman at Dartmouth and in the audience at the time of the Event on Sunday, October 24, 2021.

31. At the time of the Event, Jack was also pursuing gainful employment as a digital consultant for several major political election campaigns and sought out other opportunities to build his political career.

32. During the question-and-answer session at the Event, Jack confronted Cawthorn on his views on the validity of the 2020 U.S. Election and the events leading up the disturbance at the U.S. Capital on January 6, 2021.

33. Immediately after the Event on October 24, 2021, Jack posted a video of his encounter with Cawthorn on his Twitter account, @JDCocchiarella (“*Jack’s Twitter Account*”), which presently has over 272,000 active followers.

34. The video of Jack’s interaction with Cawthorn went viral and was circulated by major news and media outlets throughout the United States, including CNN, NBC, and others.

Anonymous Rape Statements Disparaging Jack on Librex Begin to Appear

35. Immediately after the video of Jack and Cawthorn went viral, false and disparaging posts about Jack began appearing on Librex, an anonymous discussion platform frequented by Dartmouth and other Ivy League students.¹

36. For instance, one post on Librex by an anonymous individual falsely stated that Jack raped an unconscious person.

37. This anonymous individual further falsely stated that the fabricated conduct referenced above was reported to Title IX at Dartmouth, who was “very familiar” with Jack “because a few other girls had reported” him.

38. Since the Librex posts were made anonymously, and the program and all of its data has since been destroyed, the identity of the person(s) making the false claims against Jack are unknown.

¹ See White, T. *Abrupt shutdown of Librex prompts mixed reactions from students*, The Dartmouth (Feb. 25, 2022) available at: <https://www.thedartmouth.com/article/2022/02/abrupt-shutdown-of-librex-prompts-mixed-reactions-from-students>.

39. Contrary to the vulgar, outright false, and disparaging statements made in the anonymous Librex posts, Jack has *never* sexually assaulted or raped *anyone*.

40. Further, Jack has *never* been criminally investigated, indicted, or charged for any sexual misconduct or sexual assault crime, including rape. Further, he has *never* been the subject of a civil suit or Title IX investigation.

41. In fact, Dartmouth issued a letter on July 25, 2022, confirming Jack's status as a student in good academic standing with *no disciplinary record* at the College.

42. On August 1, 2022, Dartmouth's Title IX Coordinator also issued an email to a prospective business associate of Jack confirming that Jack had *never* been subject to an investigation by Dartmouth's Title IX Office.

***Kim Begins His Malicious Smear Campaign
of Publishing and Disseminating the False Statements and Lies
on Kim's Twitter Accounts, Jack's Twitter Account, and the Twitter Accounts of Others***

43. Based upon information and belief, and at all material times herein, Kim was the owner and operator of two public Twitter accounts under the handles @stoprapists101 and @aplopl3x (collectively "***Kim's Twitter Accounts***"). A screenshot of the banners of both accounts is found below:





44. Kim also owned and operated a separate public personal Twitter account under the handle @NKim57.

45. From November 2021 to this day, Kim has used the Twitter Accounts in a calculated manner as a conduit to publish the False Statements and Lies to the general public by way of: (a) posting the False Statements and Lies on each separate Twitter Account; (b) tagging or linking the False Statements and Lies to Jack's Twitter account and the Twitter accounts of others, including business associates of Jack and PCS; and/or (c) replying to tweets from Jack's Twitter account and the Twitter account of others, including business associates of Jack and PCS, with the False Statements and Lies.

46. Kim has hidden behind both of his anonymous Twitter Accounts to commence and perpetuate his smear campaign against Jack through the public propagation of the False Statements and Lies to silence Jack and damage his private and public reputation, his academic and career aspirations, and the business opportunities and relationships of Jack and PCS.

47. For instance, Kim used his @stoprapists101 Twitter account on the following dates, among others, to attack Jack and publish and spread the False Statements and Lies into the public eye:

- a. On November 17, 2021, Kim replied to a tweet from Jack's Twitter account, attaching apparent screenshots of a Librex post and stating: "that's cool but when are you going to address the fact that you have multiple rape allegations against you and that they were so credible you were banned from the Dartmouth democrats and the fraternities around campus?"²



² Unless otherwise noted, the tweets identified herein are quoted in verbatim as published on Kim's Twitter Accounts and contain various grammatical and punctuation errors.

- b. On November 19, 2021, Kim replied to a tweet from Jack's account calling him a "known rapist":



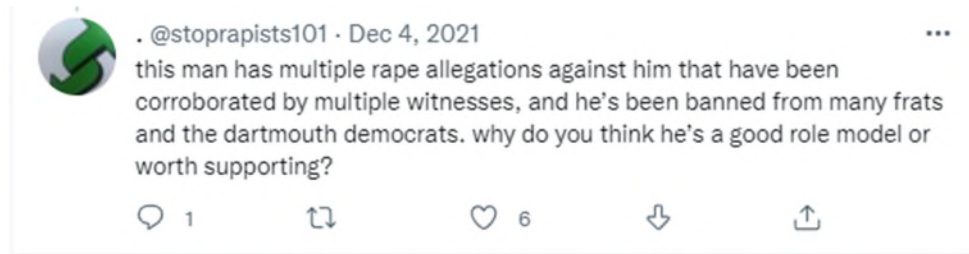
- c. On December 3, 2021, Kim replied to a tweet from Jack's Twitter account, stating: "that's cool but when are you gonna stop raping my classmates at dartmouth".



- d. On December 4, 2021, Kim replied to a tweet from and further tagged Jack's Twitter Account, stating:
- i. "it's sad that so many people are supporting a rapist :(";
 - ii. "this man has multiple rape allegations against him that have been corroborated by multiple witnesses, and he's been banned from many frats and the dartmouth democrats. why do you think he's a good role model or worth supporting?" and

- iii. “that’s cool but you already posted this clip and if you would stop raping my classmates that would be nice kthxbai”.





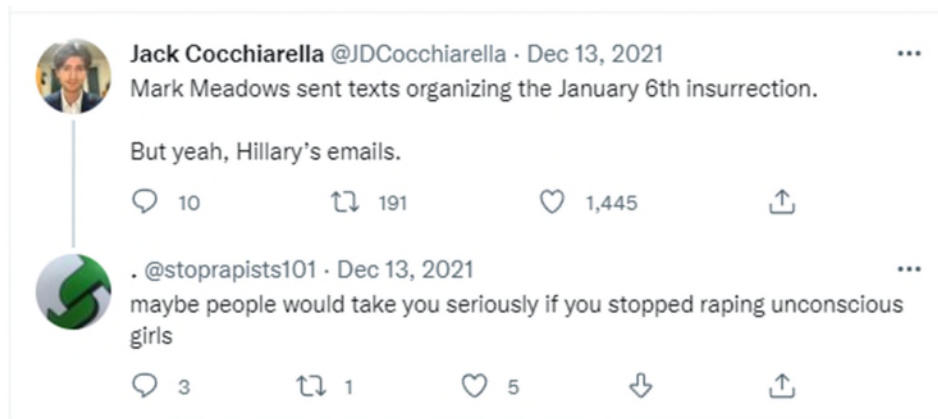
- e. On December 5, 2021, Kim replied to a tweet from Jack's Twitter Account, stating "ok that's cool but when are you gonna stop raping my classmates", again attaching an apparent screenshot of a Librex post.



- f. Again, on December 5, 2021, Kim replied to a tweet from Jack's Twitter Account, stating: "that's cool if the GOP implodes, but please stop raping my classmates".



- g. On December 13, 2021, Kim replied to a tweet from Jack's Twitter Account, stating: "maybe people would take you seriously if you stopped raping unconscious girls".



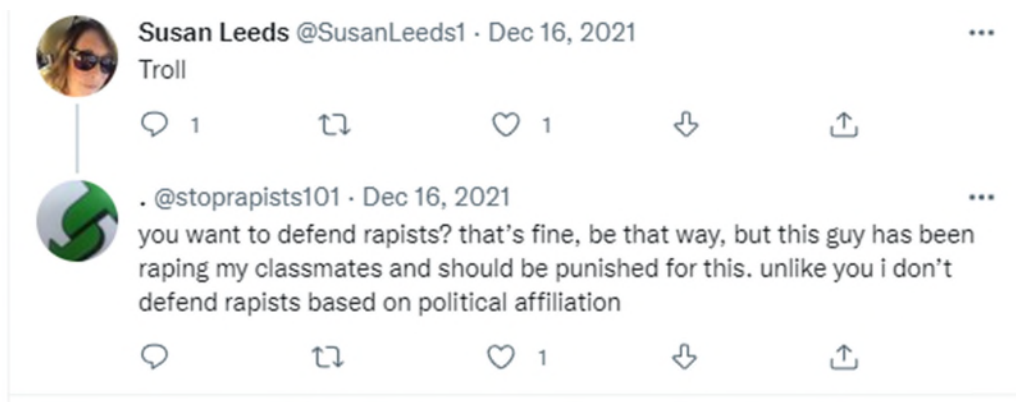
- h. On December 15, 2021, Kim replied to a tweet from Jack's Twitter Account, stating: "okay but when will you address the fact that you have been raping unconscious girls. these are my classmates and i will NOT let you get away with this shit. this is unacceptable. may God have mercy on your broken soul", again attaching an apparent screenshot of a Librex post.



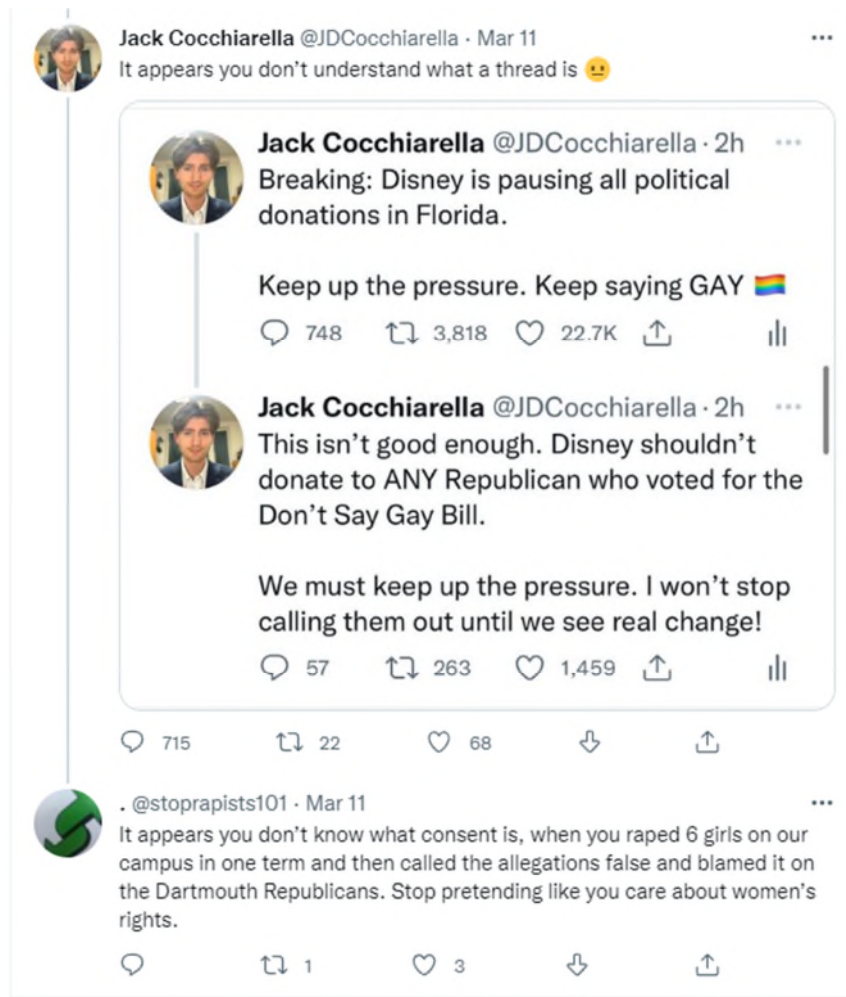
- i. On that same day, December 15, 2021, Kim contacted or otherwise tagged the Twitter accounts of individuals having business relationships with Jack

and/or PCS, disseminating the False Statements and Lies that Jack was a rapist and forwarding the Librex posts.

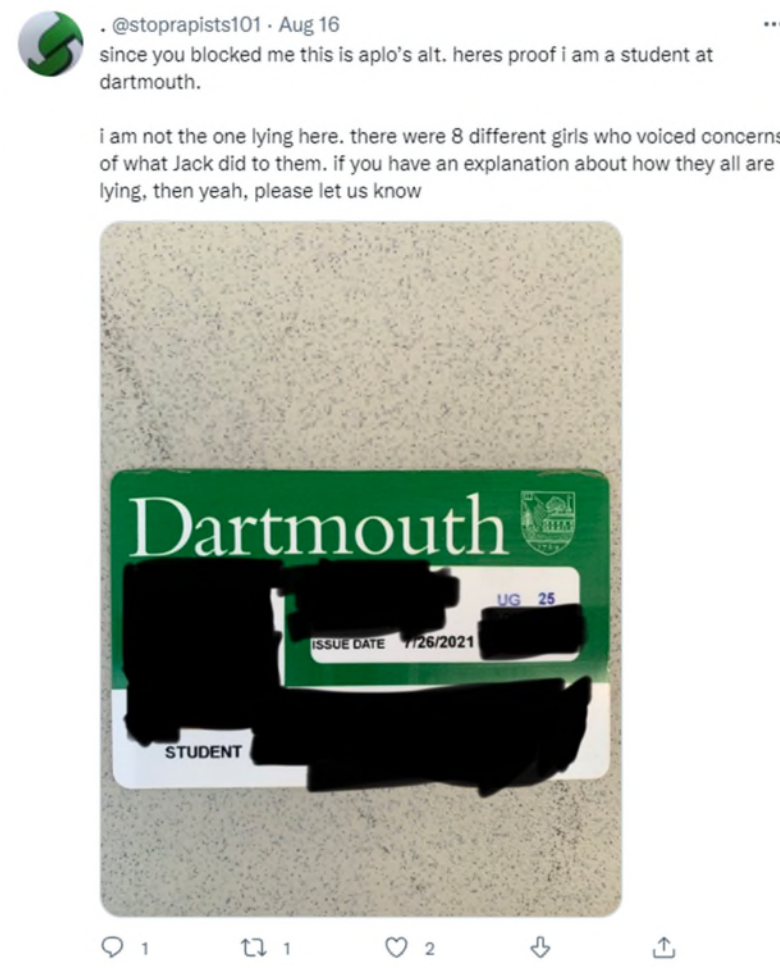
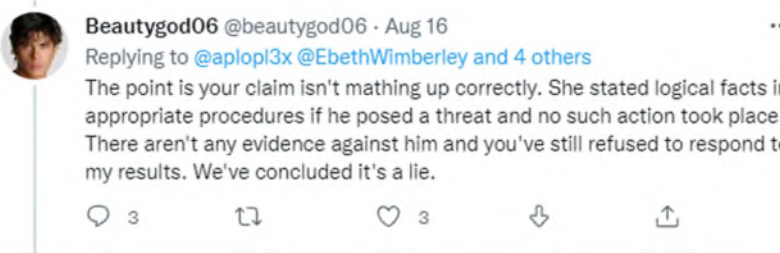
- j. On December 16, 2021, in response to a comment by a separate Twitter user on Jack's Twitter Account responding to Jack's December 15, 2021 tweet calling Kim a troll, Kim responded: "you want to defend rapists? that's fine, be that way, but this guy has been raping my classmates and should be punished for this. unlike you i don't defend rapists based upon political affiliation".



- k. On March 11, 2022, Kim replied to a tweet from Jack's Twitter Account, stating: "It appears you don't know what consent is, when you raped 6 girls on our campus in one term and then called the allegations false and blamed it on the Dartmouth Republicans. Stop pretending like you care about women's rights".



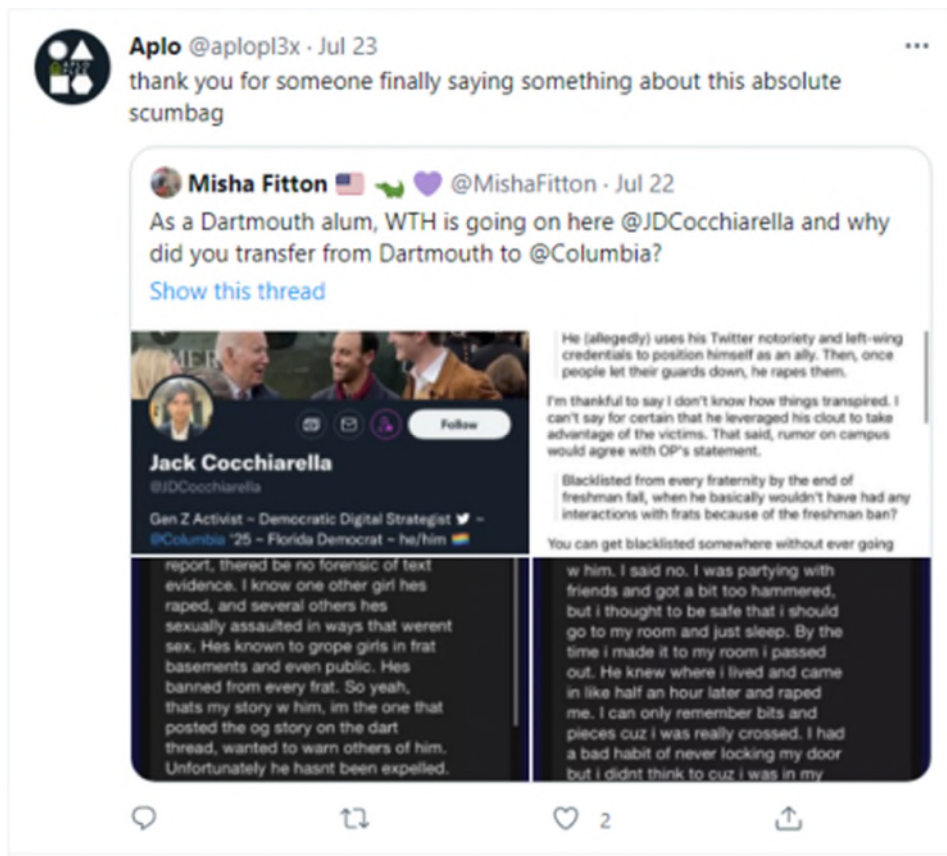
1. On August 16, 2022, Kim replied to a tweet from another Twitter user commenting on an August 15, 2022, tweet from Jack's Twitter Account confirming that Kim is a student at Dartmouth, posting a redacted photograph of his student identification card, tagging Kim's @aplopl3x account and indicating that Kim's @stoprapists101 account is an alternate to and associated with Kim's @aplopl3x account, and further stating: "i am not the one lying here. there were 8 different girls who voiced concerns of what Jack did to them. if you have an explanation about how they all are lying, then yeah, please let us know".



48. Kim also used his @aplopl3x Twitter account on the following dates, among others, to maliciously attack Jack and publish and spread the False Statements and Lies into the public eye:

a. On July 23, 2022, Nate began engaging with other Twitter users to continue disseminating the False Statements and Lies, stating:

i. “thank you for someone finally saying something about this absolute scumbag”;



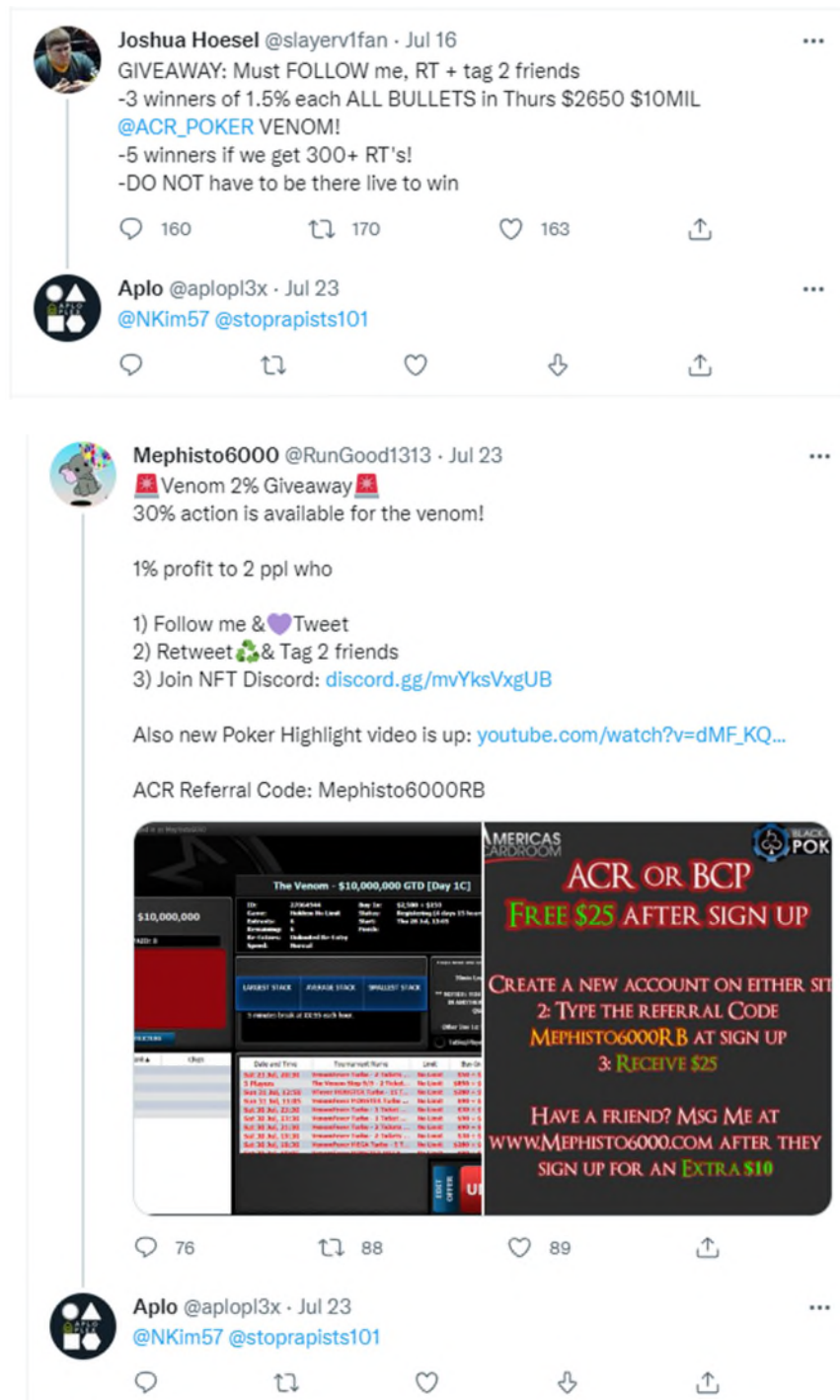
ii. “The victims, because of lack of hard evidence, would have to face JC [Jack Cocchiarella] (and probably family + lawyers) in cross examination for title IX to continue, according to one victim on Librex”; and



- iii. “the entire situation is fucked up[.] one of the alleged victims claimed as well that title ix told her that she would have to be cross examined with JC [Jack Cocchiarella] in the room with her if the investigation were to proceed (i wish i had that screenshot)”.



- b. On that same day, July 23, 2022, Kim also linked and tagged his own personal Twitter handle @NKim57 and his alternate Twitter account handle @stoprapists101 as “friends” when replying to video game giveaways:

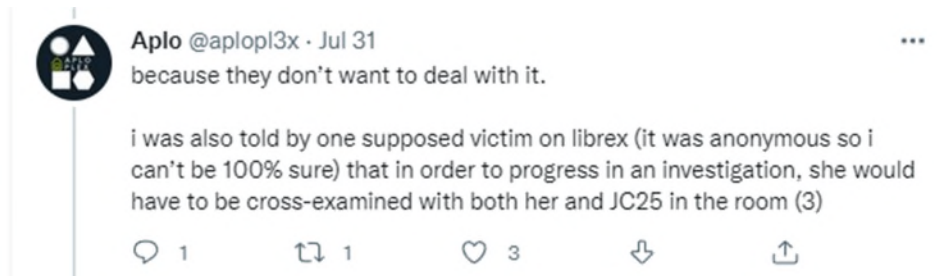


- c. On July 31, 2022, Kim began trolling Jack following his decision to transfer to Columbia due to Kim's ongoing harassment by tagging Jack's Twitter Account and stating: "@JDCocchiarella from dartmouth, trying to transfer to Columbia to hide the allegations".



d. That same day, July 31, 2022, Kim continued propagating the False Statements and Lies that Jack is “hiding,” now falsely stating that Dartmouth is engaging in a cover-up, saying he couldn’t be “100% sure” of the truth of the lies and falsities he was spuing because of the anonymity of the source, and attaching the same photograph of Kim’s redacted Dartmouth student identification card that he posted on his @stoprapists101 Twitter account on August 16, 2021, stating:

- i. “i was also told by one supposed victim on librex (it was anonymous so I can’t be 100% sure) that in order to progress an investigation, she would have to be cross-examined with both her and JC25 in the room”;
- ii. “but even with their political differences, they should not condone nor protect against rapists, no matter what ideology they propose. at school, some people have tried to make it a political matter, and JC25 [Jack Cocchiarella] has tried to make it as such. but it is not.”; and
- iii. “i hope that he is fairly investigated and if found to be guilty of these crimes, duly punished as appropriate. here is proof that I am a student at dartmouth, so that I’m not just a random account saying random things”.





- e. On August 6, 2022, Kim goes on another tweet tirade propagating the False Statements and Lies and trolling Jack's choice to transfer to Columbia due to Kim's malicious harassment, stating:

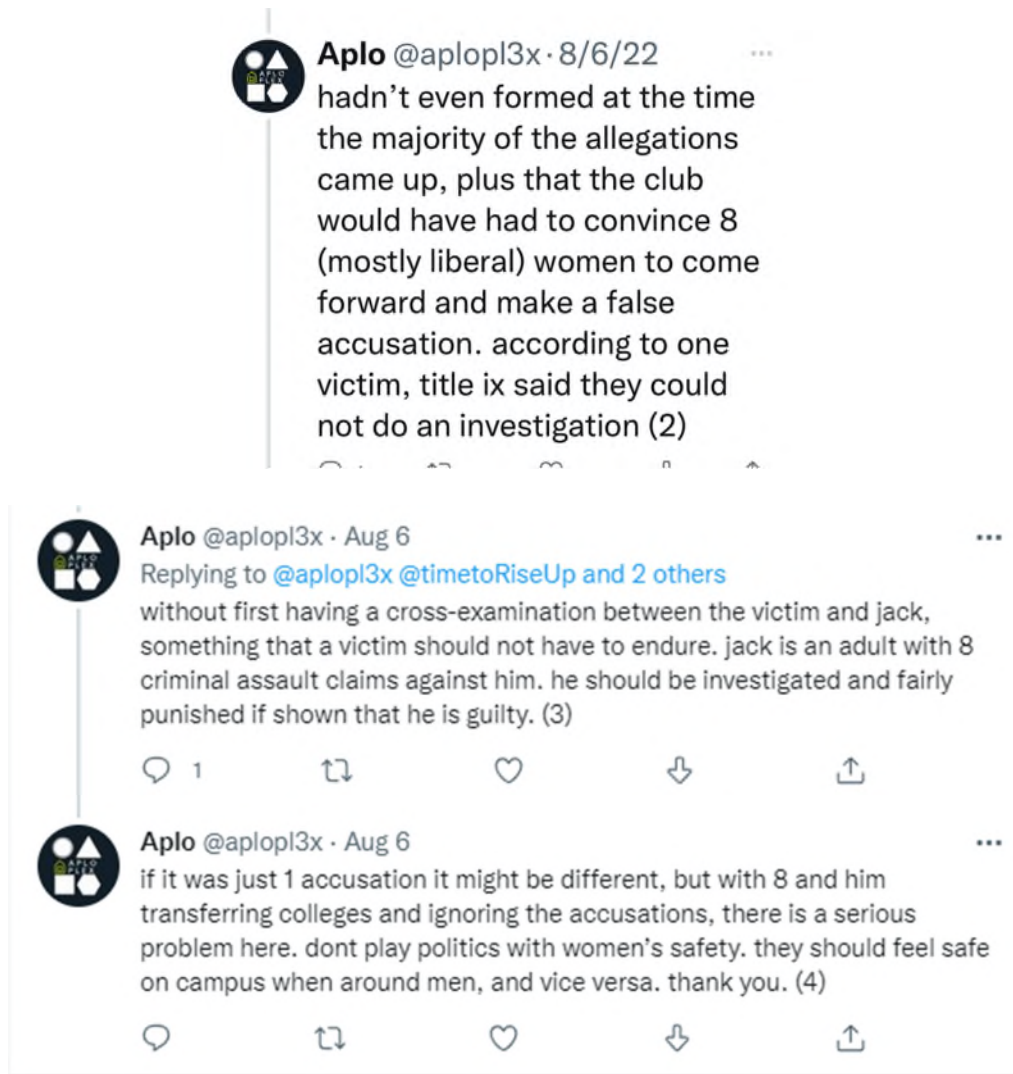
- i. “dartmouth student here. there were absolutely were 8 cases filed against him. the title ix investigation was stopped most likely due to admin’s request, as he blamed the dartmouth republicans for making up allegations. This is easily debunked because the republican club (1)”;
- ii. “hadn’t even formed at the time the majority of the allegations came up, plus the club would have had to convince 8 (mostly liberal) women to come forward and make a false accusation. According to one victim, title ix said they could not do an investigation (2)”;
- iii. “without first having a cross-examination between the victim and jack, something that a victim should not have to endure. Jack is an adult with 8 criminal assault claims against him. he should be investigated and fairly punished if shown that he is guilty. (3)”;
- iv. “if it was just 1 accusation it might be different, but with 8 and him transferring colleges and ignoring the accusations, there is a serious problem here. dont play politics with women’s safety. They should feel safe on campus when around men, and vice versa. Thank you. (4)”.



Aplo @aplopl3x · 8/6/22

dartmouth student here. there absolutely were 8 cases filed against him. the title ix investigation was stopped most likely due to admin’s request, as he blamed the dartmouth republicans for making up allegations. this is easily debunked because the republican club (1)



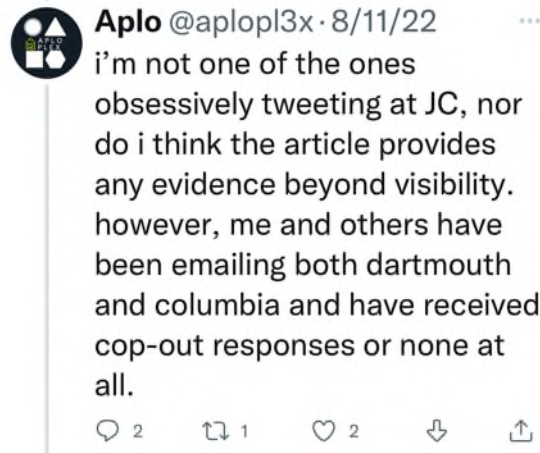
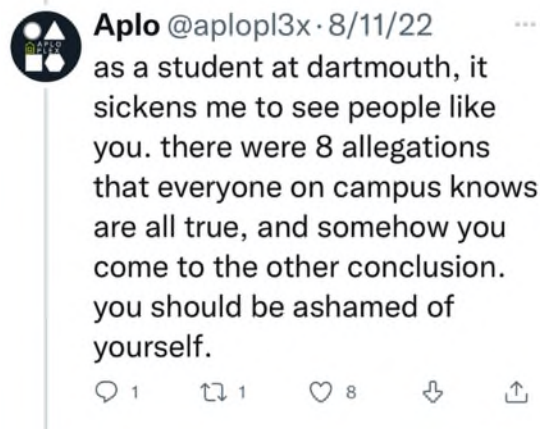


- f. On August 8, 2022, and August 9, 2022, Kim in conjunction with other Twitter users began trolling a family with the same last name as Jack, but with no relation, who had lost a family member. The family eventually blocked Kim's account, but nevertheless, Kim's crusade to destroy Jack's reputation continued:



- g. On August 11, 2022, Kim engaged and attacked another Twitter user confronting his False Statements and Lies, admitting that he and others have also contacted Dartmouth and Columbia directly to further tarnish Jack's reputation academically:
- i. "as a student at dartmouth, it sickens me to see people like you. there were 8 allegations that everyone on campus knows are all true, and somehow you come to the other conclusion. you should be ashamed of yourself."; and
 - ii. "i'm not one of the ones obsessively tweeting at JC [Jack Cocchiarella], nor do I think the article provides any evidence beyond visibility. however, me and others have been emailing both

dartmouth and columbia and have received cop-out responses or none at all.”



- h. On August 14, 2022, Kim continued his malicious smear campaign and attacking other Twitter users, claiming to be familiar with some of the “victims” and appearing to hold a grudge for sexual accusations cast against Kim in the past:
 - i. “the end game is obvious, that he gets punished for his crimes against my classmates. Are you saying the victim from the NHJournal does not exist and they are making everything up? what is your end game and why are you staunchly defending a rapist you know is guilty?”;
 - ii. “as someone falsely accused of sexual harassment multiple times growing up (without formal reports filed, which has resulted in me

having to resign from jobs/endure some punishment) I would like to see institutions offer the same treatment to everyone (2)”;

- iii. “especially when in this case there are not one, but 8 purported allegations, and the offense is more severe, being rape versus harassment. i understand that it is not unheard of for females to lie about this, but with the volume of allegations it should be checked out. (3)”; and
- iv. “given Jack’s behavior online and in person at dartmouth, plus my familiarity with the case / some of the victims, then it is quite clear to me and to almost everyone else that there is no question Jack committed these crimes, or whatever you want to call them. (4)”.



Aplo
@aplopl3x

...

Replying to @EbethWimberley @RichRWS19 and @MishaFitton

the end game is obvious, that he gets punished for his crimes against my classmates. are you saying the victim from the NHJournal does not exist and they are making everything up? what is your end game and why are you staunchly defending a rapist you know is guilty?

4:16 PM · Aug 14, 2022 · Twitter for iPhone

1 Like



Aplo @aplopl3x · Aug 14

...

as someone falsely accused of sexual harassment multiple times growing up (without formal reports filed, which has resulted in me having to resign from jobs/endure some punishment) i would like to see institutions offer the same treatment to everyone (2)

1 2



Aplo @aplopl3x · Aug 14

...

especially when in this case there are not one, but 8 purported allegations, and the offense is more severe, being rape versus harassment. i understand that it is not unheard of for females to lie about this, but with the volume of allegations it should be checked out. (3)

1 2



Aplo @aplopl3x · Aug 14

...

and given Jack’s behavior online and in person at dartmouth, plus my familiarity with the case / some of the victims, then it is quite clear to me and to almost everyone else that there is no question Jack committed these crimes, or whatever you want to call them. (4)

1 2

i. On August 16, 2022, Kim replied to multiple Twitter users responding to an August 15, 2022, tweet on Jack's Twitter Account admitting that he has had no interaction with Jack whatsoever, yet calls him a predator, claims that he met with one of the "victims," and claims the False Statements and Lies are credible:

- i. "no interaction, the first thing I heard was that he was a predator, so why would with 8 claims and jack's blaming of the republican club and refusal to respond to the accusations, with no obvious reason to assume that 8 girls are lying, why is it wrong?";
- ii. "enlighten us, what did jack tell you that changes the situation, and how are 8 different girls all lying about what jack did to them "; and
- iii. "dartmouth student here. please stop defending rapists. As someone who has talked with one of the eight victims, these allegations are credible and i would like to see the college investigate all allegations fairly and not ignore ones about prominent Democrats."



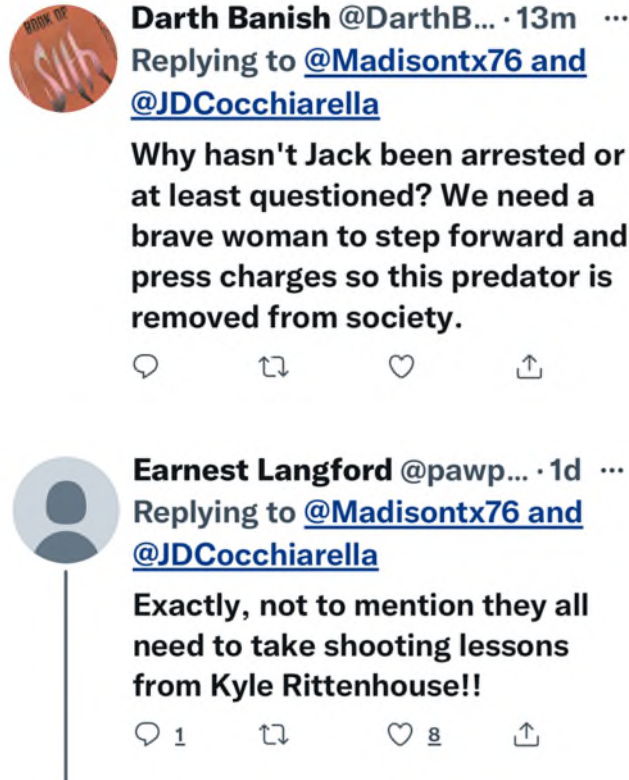


- j. On that same day, August 16, 2022, Kim again posted the same photograph of his Dartmouth student identification card as posted on his @stoprapists101 account:



49. Kim's conduct in creating and disseminating the False Statements and Lies has provoked, and continues to provoke, other persons to widely distribute, post, repost, and comment on the False Statements and Lies on various internet sites, including, but not limited to, Twitter, Reddit, and Dartmouth's newest anonymous chat platform, Fizz.

50. Most significantly, Kim's conduct has provoked others to make death threats and other threats of violence against Jack, the most recent being on September 15, 2022, where a Twitter user commented that Jack should be shot, leaving Jack in fear for his life and safety because of the False Statements and Lies spread by Kim:



Jack's Transfer to Columbia and Loss of Business Accounts and Opportunities Directly Resulting from the Malicious and Tortious Conduct of Kim in Propagating the False Statements and Lies

51. Based upon the conduct of Kim in propagating the False Statements and Lies by way of Kim's Twitter Accounts and through other methods as identified above, Jack was unfairly

ridiculed, ostracized, and isolated at Dartmouth and had no other option but to transfer to Columbia in 2022 due to the considerable damage caused to his reputation on the Dartmouth campus.

52. Upon his application for transfer to Columbia, Jack was required to disclose and affirm that he had never been found responsible for a disciplinary violation at any educational institution he attended from high school forward, whether related to academic misconduct or behavioral misconduct that resulted in a disciplinary action, including, but not limited to, probation, suspension, removal, dismissal, or expulsion from the institution.

53. As indicated herein, and to reiterate, Jack has *never* been criminally investigated, indicted, or charged for any sexual misconduct or sexual assault crime, including rape. Further, he has *never* been the subject of a civil suit or Title IX investigation.

54. Jack has *never* sexually assaulted or raped *anyone*.

55. On July 25, 2022, Dartmouth issued a letter confirming Jack's status as a student in good academic standing with *no disciplinary record* at the College.

56. On August 1, 2022, Dartmouth's Title IX Coordinator also issued an email to a prospective business associate of Jack confirming that Jack had *never* been subject to an investigation by Dartmouth's Title IX Office.

57. Columbia accepted Jack's transfer application, as he was a student in good academic standing with no disciplinary record at Dartmouth and had never been found responsible for a disciplinary violation at any educational institution he attended from high school forward, whether related to academic misconduct or behavioral misconduct that resulted in a disciplinary action.

58. Despite Jack's attempts to remove himself from the toxic environment at Dartmouth proximately caused by Kim's actions, Kim took his smear campaign to the Columbia

campus in a concerted effort to perpetuate his goal of destroying the personal, academic, and professional reputation of Jack wherever he went.

59. Jack's peers at Columbia have informed him that they cannot associate with Jack until his name is cleared.

60. As a direct and proximate result of the False Statements and Lies disseminated by Kim, Jack has suffered physical, psychological, emotional, and reputational damages that continue to this day and will continue into the future until Kim's conduct stops and Kim provides an affirmative statement that he is fully aware the False Statements and Lies are untrue, fabricated, and were falsely made by Kim to cause harm to and damage the reputation of Jack.

61. Kim's actions have destroyed Jack's relationships with and respect of his academic peers and those in the community as a whole, his ability to pursue and education and career of his own choosing, his public and private reputation, and opportunities and experiences that any normal college student would enjoy but for the malevolent and spiteful harassment by Kim.

62. Further, during all relevant times, Jack and PCS provided digital consulting services to the political community, including several major political election campaigns.

63. Jack and his company PCS have suffered, and will continue to suffer, economic injuries, the loss of career and business opportunities, and loss of future potential earnings due to Kim's conduct in propagating the False Statements and Lies.

64. As a direct and proximate result of Kim's ongoing malicious harassment and conduct in propagating the False Statements and Lies, Jack and PCS lost the digital consulting accounts with several major political election campaigns and will continue to lose such lucrative business opportunities in the future.

65. As a direct result of Kim's continued slandering and defamation of Jack's reputation with the publication of the False Statements and Lies, Jack has also lost the ability to participate and strive in politics as the profession of his choosing. Jack has since been ostracized from the political community and has been removed from consideration for various high-profile and once-in-a-lifetime opportunities, which will only continue until Kim's conduct is stopped and Kim provides an affirmative statement that he is fully aware the False Statements and Lies are untrue, fabricated, and were falsely made by Kim to cause harm to and damage the reputation of Jack.

COUNT ONE
Defamation

66. Jack and PCS incorporate by reference all of the preceding paragraphs of this Complaint as though fully rewritten herein.

67. Kim has made false and defamatory, and harassing statements about Jack to third parties, including, but not limited to, Dartmouth, Columbia, and to the public, on various internet and social media platforms such as Twitter, among others.

68. Kim deliberately communicated the False Statements and Lies to third parties via the internet and various social media platforms and conspired with other third parties in an effort to continue publication of the False Statements and Lies to this day.

69. The False Statements and Lies have been seen throughout this District, the State of New Hampshire, and the United States as a whole.

70. Kim's False Statements and Lies about Jack are not true.

71. Jack has *never* sexually assaulted or raped *anyone*.

72. Further, Jack has *never* been criminally investigated, indicted, or charged for any sexual misconduct or sexual assault crime, including rape. Further, he has *never* been the subject of a civil suit or Title IX investigation.

73. Kim published the False Statements and Lies without privilege, authorization, or consent.

74. At the time of making the False Statements and Lies, Kim knew or should have known that the False Statements and Lies were not true.

75. Kim made no effort to verify the truth or falsity of the False Statements and Lies he published.

76. Since Kim based his False Statements and Lies on anonymous postings on the Librex platform, with no possibility of verifying the truth or falsity of such postings, Kim failed to exercise reasonable care as to the truth of the False Statements and Lies he published and was, therefore, negligent.

77. Kim also acted with actual malice in the publication of the False Statements and Lies against Jack.

78. Kim stated in tweets on or from his Twitter Accounts there were “6 women” then “8 women,” there was a “lack of hard evidence,” “nor do I think the article provides any evidence,” “i understand that it is not unheard of for females to lie about this,” he couldn’t be “100% sure” of the truth of the lies and falsities he was spuing because of the anonymity of the source, and that the “title IX investigation was stopped.”

79. Kim, therefore, had a high degree of awareness of probable falsity of the False Statements and Lies that he disseminated and continues to disseminate.

80. Kim nevertheless continues to propagate the False Statements and Lies that there “absolutely were 8 cases filed against” Jack, that Jack is “an adult with 8 criminal assault claims against him,” that “there is no question Jack committed these crimes.”

81. A simple search and review of the criminal docket in the locality of Dartmouth would have told Kim that there were, and are, no “cases” or “criminal assault claims” filed or otherwise pending against Jack.

82. With the publication of the False Statements and Lies, Kim admittedly was motivated and intended to damage, destroy, and annihilate Jack’s reputation and the reputation of his political consulting business.

83. The False Statements and Lies published by Kim were, therefore, made with actual malice in that he had actual knowledge of the False Statements and Lies or recklessly disregarded the truth of the False Statements and Lies.

84. Kim’s False Statements and Lies constitute libel per se, as they contain statements that Jack committed criminal offenses punishable by imprisonment or otherwise involving moral turpitude, namely raping unconscious women.

85. The word “rape” is a term of art. As defined by the Merriam-Webster Dictionary, rape is “unlawful sexual activity and usually sexual intercourse carried out forcibly or under threat of injury against a person’s will or with a person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness, or deception.” “Rape.” *Merriam-Webster.com Dictionary*, MERRIAM-WEBSTER, located at: <https://www.merriam-webster.com/dictionary/rape>.

86. Rape is a criminal offense punishable by imprisonment under New Hampshire sexual assault laws and federal law. *See* N.H. Rev. Stat. Ann. §§ 632-A, *et seq.*; 10 U.S.C. § 920.

87. As a direct and proximate result of the False Statements and Lies, Jack has suffered and will continue to suffer immediate and irreparable harm and injury including, but not limited to, tremendous reputational harm, emotional distress, mental anguish, loss of educational and career opportunities, loss of future earning capacity, economic injuries, emotional and psychological damages, and other direct and consequential damages.

88. As a direct result of Kim's conduct, Jack has been, and will continue to be, ostracized in the academic and political communities of which he willfully chose to engage and has lost opportunities he would have otherwise been able to pursue but for the malicious harassment by Kim, including, but not limited to, the enjoyment of being a college student in pursuit of an undergraduate degree and all social activities and opportunities associated with such endeavors.

89. As a direct and proximate result of the False Statements and Lies, PCS has also suffered, and will continue to suffer, immediate and irreparable harm and injury, including, but not limited to, tremendous reputational harm, loss of future earning capacity and business opportunities, economic injuries, and other direct and consequential damages.

90. Because Kim acted willfully, maliciously, with hatred, and unlawfully with the publication of the False Statements and Lies, Jack and PCS seek exemplary damages in addition to actual damages to dissuade Kim from engaging in similar conduct in the future.

91. Jack and PCS additionally seek relief in the form of an immediate retraction of all malicious and False Statements and Lies made by Kim in order to repair and restore the devastating damage caused to Jack's reputation and the reputation of Jack's business, PCS by way of the False Statements and Lies.

92. As a direct and proximate result of Kim's actions, Jack and PCS have sustained substantial damages to his person and reputation, the exact amount of which will be proven at trial, but in excess of \$75,000.00.

COUNT TWO
Intentional Infliction of Emotional Distress

93. Jack incorporates by reference all of the preceding paragraphs of this Complaint as though fully rewritten herein.

94. In creating and publishing the False Statements and Lies, Kim intended to cause Jack serious emotional distress or knew they would cause Jack serious emotional distress.

95. Kim's conduct in publishing the False Statements and Lies, including that Jack was a "rapist" and "raping unconscious girls" was so extreme and outrageous as to go beyond all possible bounds of decency and was such that it can be considered as atrocious and utterly intolerable in a civilized community.

96. With the creation and ongoing publication of the False Statements and Lies, Kim caused Jack unimaginable psychological injury and mental anguish that no reasonable person should be expected to endure which continues to this day.

97. Kim's intentional and reckless actions directly caused, and continues to cause, severe emotional distress to Jack, including but not limited to severe psychological and emotional damage and distress, mental anguish, and fear for his personal safety.

98. Kim's actions have followed Jack to Columbia and continue to this day,

99. The distress suffered, and continuing to be suffered, by Jack as a result of Kim's conduct is so severe that no reasonable person should expect to endure it.

100. Kim's conduct was deliberate and intentional and evidences the degree of malice necessary to support an award of punitive damages to punish Kim and inhibit such conduct in the future.

101. As a direct and proximate result of Kim's intentional conduct, Jack has suffered and will continue to suffer immediate and irreparable harm and injury including, but not limited to, tremendous reputational harm, emotional distress, mental anguish, loss of educational and career opportunities, loss of future earning capacity, economic injuries, emotional and psychological damages, and other direct and consequential damages in an amount to be proven at trial but in excess of \$75,000.00.

COUNT THREE
Invasion of Privacy – False Light

102. Jack and PCS incorporate by reference all of the preceding paragraphs of this Complaint as though fully rewritten herein.

103. Kim intentionally gave publicity to matters concerning Jack and PCS, including through, but not limited to, the False Statements and Lies, to place Jack and PCS before the public in a false light by, among other things, stating that Jack was a rapist and raped unconscious women.

104. Placing any person in the false light of engaging in the act of raping of 8 women, let alone the rape of 8 women when they are unconscious, is highly offensive.

105. Kim knew of and/or recklessly disregarded the falsity of the publicized matters, including, but not limited to, the False Statements and Lies he iterated and published about Jack.

106. Kim based his False Statements and Lies on anonymous postings on the Librex platform, with no possibility of verifying the truth or falsity of such postings, Kim failed to exercise reasonable care as to the truth of the False Statements and Lies he published.

107. Kim stated in tweets on or from his Twitter Accounts that there was a “lack of hard evidence,” “nor do I think the article provides any evidence,” “i understand that it is not unheard of for females to lie about this,” he couldn’t be “100% sure” of the truth of the lies and falsities he was spuing because of the anonymity of the source, and that the “title IX investigation was stopped.”

108. Kim knew of and/or recklessly disregarded the false light in which Jack and PCS would be placed from such publicized matters, including, but not limited to, the False Statements and Lies concerning Jack.

109. As a direct and proximate result of Kim’s actions, Jack has suffered and will continue to suffer immediate and irreparable harm and injury including, but not limited to, tremendous reputational harm, emotional distress, mental anguish, loss of educational and career opportunities, loss of future earning capacity, economic injuries, emotional and psychological damages, and other direct and consequential damages in an amount to be proven at trial but in excess of \$75,000.00.

110. As a direct and proximate result of Kim’s intentional conduct, PCS has suffered and will continue to suffer immediate and irreparable harm and injury including, but not limited to, tremendous reputational harm, loss of future earning capacity and business opportunities, economic injuries, and other direct and consequential damages in an amount to be proven at trial but in excess of \$75,000.00.

COUNT FOUR
Tortious Interference with Economic Relationships

111. Jack and PCS incorporate by reference all of the preceding paragraphs of this Complaint as though fully rewritten herein.

112. Kim was aware of the business and economic relationship between Jack and PCS and several major political election campaigns and the potential for other business opportunities between Jack and PCS and third-parties.

113. Kim disseminated the False Statements and Lies to third parties for the purpose of intentionally and improperly interfering with Jack's and PCS' business relationships and prospective business relationships, including, but not limited to, their digital consulting work with several major political election campaigns.

114. As a direct result of Kim's continued slandering and defamation of Jack's reputation with the publication of the False Statements and Lies, Jack has also lost the ability to participate and strive in politics as the profession of his choosing. Jack has since been ostracized from the political community and has been removed from consideration for various high-profile and once-in-a-lifetime opportunities.

115. Kim had no privilege to interfere with Jack's and PCS' business relationships and opportunities, including those with the several major political election campaigns.

116. As a direct and proximate result of Kim's conduct, Jack and PCS lost the digital account business the several major political election campaigns and lost business and economic opportunities for gainful employment in the political community that would have been provided to Jack and PCS but for Kim's malicious conduct and interference.

117. Kim's conduct was intentional and evidences the degree of malice necessary to support an award of punitive damages.

118. As a direct and proximate result of Kim's actions, Jack and PCS have suffered and will continue to suffer immediate and irreparable harm and injury including, but not limited to, tremendous reputational harm, loss of past, present, and future earning capacity and business

opportunities, economic injuries, and other direct and consequential damages in an amount to be proven at trial but in excess of \$75,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Jack Cocchiarella and Politically Correct Strategies LLC pray for relief and judgment against Kim as follows:

(A) On the First Cause of Action for defamation, a judgment awarding damages in an amount to be determined at trial in excess of Seventy-Five Thousand Dollars (\$75,000.00), including, without limitation, exemplary and punitive damages and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements;

(B) On the Second Cause of Action for intentional infliction of emotional distress, a judgment awarding damages in an amount to be determined at trial in excess of Seventy-Five Thousand Dollars (\$75,000.00), including, without limitation, exemplary and punitive damages and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements;

(C) On the Third Cause of Action for false light invasion of privacy, a judgment awarding damages in an amount to be determined at trial in excess of Seventy-Five Thousand Dollars (\$75,000.00), including, without limitation, exemplary and punitive damages and other direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements;

(D) On the Fourth Cause of Action for tortious interference with economic relationship, a judgment awarding damages in an amount to be determined at trial in excess of Seventy-Five Thousand Dollars (\$75,000.00), including, without limitation, direct and consequential damages, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements; and

(E) Pursuant to Fed. R. Civ. P. 65, ordering preliminary and permanent injunctive relief:

- i. Enjoining and restraining Kim from creating, publishing, commenting on, or discussing any the False Statements and Lies about Jack on any internet social media platform and/or any and all other public or private forum known or unknown to Jack or PCS, including, but not limited to, Twitter, Reddit, and Fizz;
- ii. Mandating that Kim immediately and permanently post a retraction of the False Statements and Lies on any internet social media platform and/or any and all other public or private forum known or unknown to Jack or PCS, including, but not limited to, Twitter, Reddit, and Fizz, including an affirmative statement that Kim is fully aware the False Statements and Lies are untrue, fabricated, and were falsely made by Kim to cause harm to and damage the reputation of Jack; and
- iii. Following the posting of a permanent retraction of the False Statement and Lies as referenced above, mandating that Kim immediately delete and destroy all False Statements and Lies on any internet social media platform and/or any and all other public or private forum known or unknown to Jack or PCS, including, but not limited to, Twitter, Reddit, and Fizz.

Respectfully Submitted,

CULLEN COLLIMORE SHIRLEY PLLC

/s/ Kevin Collimore

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-and-

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*Counsel for Plaintiffs Jack Cocchiarella and
Politically Correct Strategies LLC*

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs hereby demand a trial by jury of all triable issues that are raised herein or which hereinafter may be raised in this action.

Respectfully Submitted,

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